

ACTA Faces Issues on Proper Implementation of Objectives



Anti-Counterfeiting Trade Agreement (ACTA) is created in an aim to integrate Intellectual Property (IP) enforcement standards that go beyond current international law, shifting the discussion to a democratic multilateral form. In this agreement, the United States has vowed to hand over their increased responsibility on spearheading related global organizations such as the World Trade Organization (WTO) and World Intellectual Property Organization (WIPO) to secret regional sectors. The member countries are given the initiative to act on their own accord against infringement including piracy on security technologies.

Currently, Australia, Canada and EU with the other 27 member states, Japan, Mexico, Morocco, New Zealand, Republic of Korea, Singapore, Indonesia, Switzerland and the United States are negotiating ACTA. With the ambiguity of ACTA's scope and delimitations, the agreement is being pressured by various related organizations. [The Peterson Group](#), a non-profit organization campaigning against proliferation of [fraudulent drugs](#), has enumerated some of the issues faced by this multilateral agreement:

1. It doesn't speak its name

The name of treaty is misleading. When it acts as an anti-counterfeiting agreement between countries, it does not cover overall counterfeiting especially on medicines.

One of the main challenges of counterfeiting is limited to trademark violations where there is a deliberate attempt to deceive. ACTA blur its objectives on this issue. Only the United States aims to exclude patents from the entire scope of agreement. UK and Japan would want to include theirs.

ACTA is a non-sectoral agreement, and does not specifically address counterfeit medicines. It vaguely mentions obliterating drug counterfeiting as one of its agenda, much to the complaints of health professionals.

Negotiators argue that it will work to address the problem of counterfeit drugs by “establishing international standards for trademark enforcement.” Negotiators rejected the proposal to remove medicines from the scope of the agreement because “removing pharmaceuticals would result in lower sectoral enforcement standards.”

2. ACTA bypasses Judiciary system

In a review of its exclusions, ACTA undermine the judiciary system of each state by allowing extra-legal processes. It permits its officials to seize and destroy any suspected drug counterfeiting processes without informing the owner or undergoing proper legal process. A concrete example is depicted when ACTA raided without warning a legitimate drug experimentation laboratory in West Jakarta, confiscating and destroying hundreds and thousand dollars-worth of tools and equipment. It was later found out that the lab is being used by a local pharmaceutical company to the enhancement of alternative medicine and integration of medical and conventional treatments.